

## DECLARATION AND POWER OF ATTORNEY

As the owner of the subject matter in the below listed patent application, Orthofix Inc. (hereinafter "Orthofix") hereby makes application for patent on behalf of the below listed inventor by declaring that:

Orthofix believes that the inventor's residence, post office address and citizenship are as stated below under his name. Orthofix believes that the inventor is the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled STIMULATING CELL RECEPTOR ACTIVITY USING ELECTROMAGNETIC FIELDS, the specification of which was filed on February 22, 2002 as Application Serial No. 10/080,642.

Orthofix has reviewed and understands the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and

Orthofix acknowledges the duty to disclose to the U.S. Patent and Trademark Office all information known to Orthofix to be material to patentability as defined in 37 C.F.R. § 1.56.

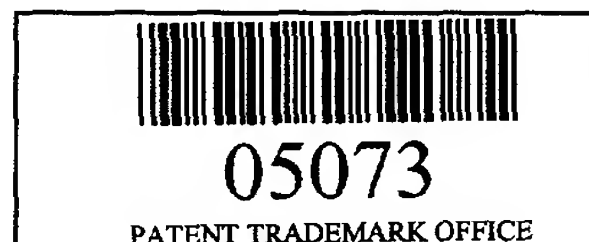
Orthofix hereby claims U.S. provisional application or foreign priority benefits under 35 U.S.C. § 119 of any U.S. provisional applications or any foreign application(s) for patent or inventor's certificate listed below and has identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior U.S. Provisional or Foreign Application(s) |         |                      |                  |    |
|--|---------|----------------------|------------------|----|
|  |         |                      | Priority Claimed |    |
| Number   | Country | Day/Month/Year Filed | Yes              | No |
| 60/271,030                                       | U.S.A.  | February 23, 2001    | X                |    |

Orthofix hereby claims the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, Orthofix acknowledges the duty to disclose to the U.S. Patent and Trademark Office all information known to Orthofix to be material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| <u>Application<br/>Serial Number</u> | <u>Date Filed</u> | <u>Status</u> |
|--------------------------------------|-------------------|---------------|
| NONE                                 |                   |               |

I hereby appoint the practitioners at Customer Number:



all of the firm of Baker Botts L.L.P., my attorneys/agents with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Send Correspondence To:

Christopher W. Kennerly, Esq.  
The above-mentioned Customer Number

Direct Telephone Calls To:

Christopher W. Kennerly, Esq.  
at 214.953.6812  
Attorney Docket No. 090928.A170

Orthofix hereby declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

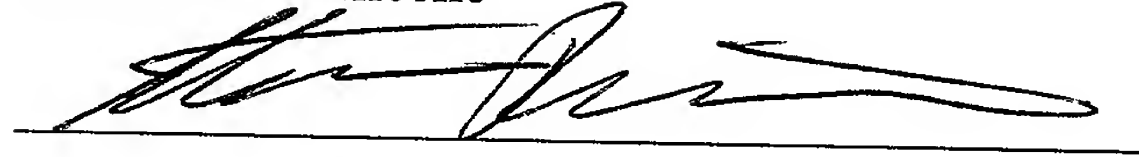
|   |   |
|---|---|
| Full name of the sole or first inventor | Robert J. Fitzsimmons, Ph.D.                  |
| Residence (City, County, State)         | Colton, San Bernardino County, California     |
| Citizenship                             | United States of America                      |
| Post Office Address                     | 1700 Encanto Lane<br>Colton, California 92324 |

On behalf of Orthofix Company:

Name

Steven M. Reinecke

Signature



Title

VP R+D

Date

5/22/02